United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	LICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,700	03/15/2002		David W. Cunningham	4000-007	6945
24112	7590	06/14/2006		EXAM	INER
COATS &	BENNE	ΓT, PLLC	GLASS, RUSSELL S		
P O BOX 5 RALEIGH, NC 27602				ART UNIT	PAPER NUMBER
,		_		3626	
			DATE MAILED: 06/14/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/098,700	CUNNINGHAM ET AL.
Office Action Summary	Examiner	Art Unit
	Russell S. Glass	3626
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING D/ Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period versilure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNI 36(a). In no event, however, may a vill apply and will expire SIX (6) MOI , cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 15 M 2a) This action is FINAL. 2b) This 3) Since this application is in condition for alloware closed in accordance with the practice under E	action is non-final.	
Disposition of Claims		
4) ☑ Claim(s) <u>1-63</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☑ Claim(s) <u>1-63</u> are subject to restriction and/or one	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to drawing(s) be held in abeya tion is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the prio application from the International Burear * See the attached detailed Office action for a list	is have been received. Is have been received in A Irity documents have been In (PCT Rule 17.2(a)).	Application No n received in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152)

Application/Control Number: 10/098,700

Art Unit: 3626

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, 25-31, drawn to a method for delivering goods and services through an activated variable-value medium, classified in class 705, subclass 17.
- II. Claims 15-19, 54, 55, drawn to a method for promoting goods and services by varying the value of an activated medium, classified in class 705, subclass 14.
- III. Claims 20-24, 32-47, drawn to a method for delivering goods and services via a non-variable value medium, classified in class 705, subclass 16.
- IV. Claims 48, 49, drawn to a method for providing goods and services through a non-variable value redeemable medium, classified in class 705, subclass 16.
- V. Claims 50-53, drawn to a method for promoting goods and services by distributing a non-variable, redeemable medium, classified in class 705, subclass 14.
- VI. Claims 54-63, drawn to dispensing and tracking pharmaceutical products, classified in class 705, subclass 3.
- 2. Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope

Art Unit: 3626

and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as providing an interface for reading a credit card or variable-value ticket, or other customer-associated, payment-effecting, data-bearing instrument. Subcombination II has separate utility such as promoting goods or services by distributing or redeeming a variable-value incentive or promotional coupon. Subcombination III has separate utility such as delivering goods or services by effecting a transaction or determining the amount of a sale using a debit account or prepaid card. Subcombination IV has separate utility such as providing goods or services by effecting a transaction or determining the amount of a sale using a debit account or prepaid card.

Subcombination V has separate utility such as promoting goods or services by distributing or redeeming an incentive or promotional coupon. Subcombination VI has separate utility such as a processing the records of diagnosis and treatment by dispensing and tracking prescription pharmaceutical products.

- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Larry Coats on 5/30/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

- 6. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.
- 7. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

R56

Art Unit: 3626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RSG 6/5/2006

SUPERVISORY PATENT EXAMINER